

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VERIZON COMMUNICATIONS, INC.

Plaintiff,

-v.-

Civil Action No.
1:04-cv-1212 (GLS/DRH)

PENTKOWSKI, PASTORE, AND FREESTONE

Defendant.

APPEARANCES:

FOR THE PLAINTIFF:

RONALD J. KORYBSKI, ESQ.
Korybski & Levinson
150 Broadway - Suite 1307
New York, New York 10038

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed December 8, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

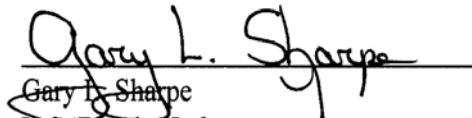
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed December 8, 2005 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the complaint be dismissed without prejudice in accordance with Fed. R. Civ. P. 4(m) and N.D.N.Y.L.R. 4.1(b), and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: January 6, 2006
Albany, New York


Gary L. Sharpe
U.S. District Judge